

The German Accessibility Act

Background

The German Accessibility Act (*Barrierefreiheitsstärkungsgesetz* (BFSG)) implements Directive (EU) 2019/882 of the European Parliament and of the Council on accessibility requirements for products and services amending other laws (European Accessibility Act (EAA)) into German law. It's intended to increase inclusivity in society and make it easier for people with disabilities to participate in e-commerce and deal with technical products and services.

Scope of application

The BFSG applies to economic operators (the BFSG distinguishes between manufacturers, importers (ie economic operators who import products from an EU third country), distributors or service providers (economic operators who offer and provide services to consumers)) who place the products or services specified in the BFSG on the market from 28 June 2025.

Products include hardware systems including their operating systems (eg computers, tablets or smartphones), consumer terminal equipment with interactive computing capability used for accessing audiovisual media services (eg games consoles, TV sticks) and e-book readers.

Services include telecommunication services and e-commerce services. The latter significantly extend the scope of the BFSG, as this includes all e-commerce business directed at consumers.

If goods are offered for money on the internet, whether via websites or apps, the websites must fulfil the BFSG requirements. There are exceptions for micro-enterprises and some products or services. Transitional periods of up to 15 years may apply to products or services that have already been placed on the market.

Obligations and sanctions

According to the BFSG regulations, products and services can only be placed on the market if they're barrier-free. A product or service is barrier-free if it can be found, accessed and used by people with disabilities in the generally customary manner, without particular difficulty and generally without outside help.

The specific requirements placed on individual products or services are regulated by the Regulation to the Accessibility Reinforcement Act, which specifies the requirements of the BFSG in more detail (BFSGV). According to these regulations, the two-senses principle applies (content must be available via at least two sensory channels, eg in writing and with voice output) or, in the case of websites in e-commerce, the "Four Principles of Accessibility."



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According to these principles, websites must be designed to be perceivable, understandable, operable and robust. Information on the accessibility of products and services for sale must be provided prior to sale.

Information about banking services must be presented in such a way that no higher language level than B2 is required to understand them. And there are various documentation, labelling, information and transparency obligations for economic operators.

A central authority will monitor compliance with these requirements – the “Joint Market Surveillance Authority for the Accessibility of Products and Services” (*Gemeinsame Marktüberwachung der Länder für die Barrierefreiheit von Produkten und Dienstleistungen (MLBF)*), which is expected to be based in Sachsen-Anhalt. This market surveillance authority will act on its own initiative and/or on information from consumers or consumer associations.

The BFSG provides for a **fine** of up to **EUR100,000** for non-compliance with the regulations. To ensure compliance with the provisions of the BFSG, the market surveillance authority can oblige the economic operators to take appropriate action. If the economic operators fail to take these actions within the time limit set, the provision of the products or services on the German market can be restricted or prohibited and products can be recalled.

Scope of application

